

Amendment I to CB 120916 Crowd Management Ordinance

Sponsor: Councilmember Rinck

Create a private right of action for individuals. Attorney and Court fees not recoverable.

Effect: This amendment would create a private right of action against the City when a person incurs physical injuries proximately caused by the use of less lethal weapons in violation of SPD's Crowd Management, Intervention, and Control policy.

A person who, in the judgment of a reasonable officer, commits a criminal offense at or immediately prior to the use of less lethal force may not recover under this Section. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of this Section shall be \$10,000. This does not preclude any other legal recovery or process available to a person under federal and state law.

A private right of action would allow individuals to make a claim against the City. If the claim is not resolved, then the individual could file a civil lawsuit for damages.

Background: This private right of action is similar to that in Ordinance 126422, except that this action does not allow for recovery for emotional damages, and it does not allow for recovery of attorney's fees or court fees.

Ordinance 126422 did not take effect because its implementation was conditioned on the Court approving compliant policies, and per a recommendation from the Executive, the federal monitor did not allow a submittal for judicial review. The Ordinance was not signed by then Mayor Durkan.

Add a new Section 8 to CB 120916, as amended, as follows, renumbering subsequent sections accordingly:

Section 8. A person shall have a right of action against the City for physical injuries proximately caused by the use of less lethal weapons in violation of Seattle Police Department Policy 14.090 - Crowd Management, Intervention, and Control. A person who, in the judgment of a reasonable officer, commits a criminal offense at or immediately prior to the use of less lethal force may not recover under this section.

Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of this section shall be \$10,000. This does

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not preclude any other legal recovery or process available to a person under federal and state law.